

**UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND**

WANDA OVALLES, INDIVIDUALLY  
AND P.P.A A.O., AND WILSON OVALLES,

Plaintiffs,

- against -

SONY ELECTRONICS, INC., BEST BUY CO., INC.,  
FOXCONN INTERNATIONAL, INC., AND JOHN  
DOE CORPORATIONS 1-4,

Defendants.

Case No. 3:14-CV-137-M-PAS

**DEFENDANT, SONY ELECTRONICS INC.'S, OBJECTION  
TO PLAINTIFFS' MOTION TO AMEND SCHEDULING ORDER**

While counsel for Sony Electronics and Best Buy would normally have no objection to the request of plaintiffs' counsel for the extension of expert disclosures they seek, they hesitate to consent to this request here given the circumstances presented. Last fall plaintiffs' counsel announced to this Court and the parties that they needed no further records from Sony Electronics Inc. ("SEL") to enable them to proceed to trial and sought entry of a scheduling order setting a trial date. The Court granted their request and entered an Order on December 19, 2016, which, among other things, set a September 5, 2017, trial date and dates for expert witness disclosures. (ECF-111.) The Court entered an Order on February 10, 2017, granting plaintiffs' Motion to Halt Production of ESI Material by Sony Electronics.<sup>1</sup> (ECF-118.) On April 13, 2017, the parties filed

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<sup>1</sup> While the Court granted plaintiffs' Motion to Halt Production and this Order is one of the subjects of SEL's pending Motion for Reconsideration, the fact remains that SEL completed its production of "ESI discovery" before the Court granted this Motion in order to comply with its obligations under the Court Order requiring the parties to produce all documents on or before January 27, 2017. More importantly, it is clear that plaintiffs' counsel has already reviewed and relied upon this "ESI discovery" despite seeking and getting an order quashing SEL's production of this material. The fact also remains that SEL has produced what it has.

a Joint Motion to Amend/Correct the Scheduling Order (ECF-137), which the court granted on April 14, 2017 via a Text Order. The Text Order entered by the Court on April 14, 2017, required, among other things, that plaintiffs identify their experts and serve expert disclosure reports by May 22, 2017, with defendants doing so by June 19, 2017. All of this activity occurred after plaintiffs filed their Motion for Sanctions back on September 16, 2016. (ECF-94.)

Having successfully sought a court order setting a trial date, an order quashing SEL's production of ESI discovery, filing their Motion for Sanctions back on September 16, 2016, and then preparing and filing a Joint Motion to Amend/Correct the Scheduling Order on April 13, 2017, which requested that plaintiffs' expert disclosure deadline be moved to May 22, 2017 (to which counsel for Sony Electronics' readily agreed), plaintiffs now seek to again extend their deadline for disclosure of expert witness information. While counsel for SEL and Best Buy would normally as a matter of simple courtesy not object to such a request, they must reluctantly do so here because defense counsel does not believe the deadline for submission of expert witness information can be extended any further given the September 5, 2017, trial date and all the remaining tasks which must be completed after plaintiffs disclose their experts (production of defense expert reports, expert witness depositions, *in limine* motions, dispositive motions, etc.).

Plaintiffs' counsel do not simply seek an extension of time for disclosure of certain or a limited type of expert(s). They seek a blanket extension of time for disclosure of all experts regardless of the nature of those experts (economics, vocational rehabilitation, life care planner, fire investigator, area of origin for the fire, etc.) The issues associated with the pending Motions for Sanctions and Reconsideration deal solely with the design and manufacture of the battery cells in the Ovalles notebook computer. There is no reason why plaintiffs cannot disclose their damages

experts and experts who will testify concerning fire investigation, the area of origin for the fire, and related issues by the May 22 deadline.

Finally, SEL has produced all documents it has responsive to plaintiffs' discovery demands. There is simply nothing more it can produce upon which plaintiffs' experts might rely in forming their opinions – regardless of the nature of any such experts.

For these reason, defendants, Sony Electronics and Best Buy, respectfully and reluctantly request that this Honorable Court deny plaintiffs' Motion to Amend Scheduling Order.

Defendant, Sony Electronic Inc.

By its attorneys,

/s/ John F. Kelleher

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**CERTIFICATION**

I hereby certify that on this 18<sup>th</sup> day of May, 2017, a true copy of the within document was electronically mailed to:

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